



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,227	11/21/2000	Il Gun Kwon	0465-0766P-SP	8106

2292 7590 05/19/2004

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

VU, KIEU D

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

805

# Office Action Summary

Application No.

09/716,227

Applicant(s)

KWON ET AL.

Examiner

Kieu D Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 11, 19, and 32 are rejected as the original disclosure fails to provide support for the subject matter as now claimed. Specifically, support for the exclusionary statements "such that the first main menu item is not displayed in said opened space" in claims 1, 11, and 19, and "such that the main menu items are not displayed in said opened space" in claim 32 which were added into the claims by amendment are not found in the original disclosure of the instant application. Any negative limitation or exclusionary proviso must have basis in the original disclosure. See MPEP 2173.05(i). As such, the limitation(s), *supra*, must be deleted from the claims in response to this action.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 19-20, 22, 24, 26-31, 39, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by ("Lokuge", USP 6252597).

Regarding claim 19, Lokuge teaches a method for displaying a menu in an OSD device, comprising the steps of displaying a plurality of main menu items in a first region of a screen when a user request a display of main menu items (Fig. 4) using an item indicator and a selecting device (cursor, col 7, line 5); opening a first space between a first main menu item and a second main menu item adjacent to the first main menu item when the first main menu item is selected using the item indicator and the selecting device such that the first main menu item is not displayed in said open space (Fig. 5); displaying, in the first space, at least one sub-menu item corresponding to the first main menu item (Fig. 5 and Fig. 11); displaying a function control window corresponding to a selected sub-menu item in a second region of the screen, when a sub-menu item is selected using the item indicator and the selecting device ("Patent – Netscape" window in Fig. 11); and controlling a function in the displayed function control window using the selecting device and the item indicator (Fig. 11; also see Fig. 9 and col 10, lines 16-32).

Regarding claim 20, Lokuge teaches a main menu item is selected where a user positions the item indicator on a main menu item (col 7, lines 1-8).

Regarding claim 22, Lokuge teaches that main menu items are displayed simultaneously on the screen when a user request a display of the main menu items through a selecting device (Fig. 4).

Regarding claim 24, Lokuge teaches that sub-menu items corresponding to a main menu item are displayed simultaneously when a user selects a main menu item using the item indicator (col 3, lines 60-62).

Regarding claim 26, Lokuge teaches displaying the screen in a first color, displaying the plurality of main menu items in a second color, displaying the at least one sub-menu item in a third color, and displaying the function control window in a fourth color; and wherein at least two of the first, second, third or fourth colors are identical (col 7, lines 42-45).

Regarding claim 27, Lokuge teaches displaying the screen in a first luminance, displaying the plurality of main menu items in a second luminance, displaying the at least one sub-menu item in a third luminance, and displaying the function control window in a fourth luminance; and wherein at least two of the first, second, third or fourth luminances are identical (col 7, lines 39-41).

Regarding claim 28, Lokuge teaches erasing the displayed at least one sub-menu item closing the first space when a new main menu item is selected using the item indicator and the selecting device (col 7, lines 8-10); opening a second space between the new main menu item and a main menu item adjacent to the new first main menu item; and displaying, in the second space, at least one sub-menu item corresponding to the new main menu item (col 6, lines 53-56).

Regarding claim 29, it is inherent that Lokuge teaches erasing the displayed function control window from the second region of the screen when a new sub-menu item is selected using the item indicator and the selecting device; and displaying, in the second region, a function control window corresponding to the new sub-menu item.

Regarding claim 30, Lokuge teaches that the selecting device is a mouse (col 7, line 3).

Regarding claim 31, Lokuge teaches the item indicator is a cursor (col 7, line 50).

Regarding claim 39, Lokuge teaches a function control window corresponding to sub-menu item selected from the displayed at least one sub-menu item, wherein the first and second regions of the screen are non-overlapping parallel regions (Fig. 9 and col 10, lines 16-32).

Regarding claim 43, it is inherent that the sub-menu items (sub-categories) are preset and not modifiable by a user (col 6, lines 17-19; col 7, lines 20-22).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2-4, 6-7, 9-12, 14-15, 17, 32, 34-38, 40-42, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokuge and Hendricks et al ("Hendricks", USP 6539548).

Regarding claim 1, Lokuge teaches a method for displaying OSD menu items on a screen comprising displaying a first menu level having plurality of main menu items on a first region of the screen (Fig. 4; col 6, lines 21-22); opening a space between a first main menu item and a second main menu item adjacent to the first main menu item such that the first main menu item is not displayed in said open space (Fig. 5); and displaying, in the opened space, a second menu level having at least one sub-menu item corresponding to the first main menu item (col 6, lines 53-55). Lokuge differs from the claim in that Lokuge does not teach that if the selected main menu item is video, then the submenu item related to the video is displayed. However, such feature is known in the art as taught by Hendricks. Specifically, Hendricks teaches a television entertainment systems which comprises a main menu such that if the selected main menu item is video, then the submenu item related to the video is displayed (col 37, lines 10-15). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Hendricks before him at the time the invention was made, to modify the menu system taught by Lokuge to include the feature to display the submenu item related to the video when video item in the main menu is selected taught by Hendricks with the motivation being to enable the system to display information related to the selected item in the main menu.

Regarding claim 2, Lokuge teaches displaying the main menu items and the sub-menu items in a direction from the top to the bottom of the screen (Fig. 5).

Regarding claim 3, Lokuge teaches displaying the main menu items and the sub-menu items in a direction from the left to the right of the screen (Fig. 5).

Regarding claim 4, Lokuge teaches the main menu items are displayed simultaneously when a user request to display the first menu level is input through a selecting device (inherent).

Regarding claim 6, Lokuge teaches sub-menu items are continuously displayed, starting from a point at which a display of the first main menu item ends to a point at which a display of the second main menu item begins (Fig. 5).

Regarding claim 7, Lokuge teaches the sub-menu items are displayed simultaneously when a user request to display the second menu level is input through a selecting device (col 6, lines 53-55).

Regarding claim 9, Lokuge teaches displaying the screen in a first color, displaying the main menu items in a second color, and displaying the sub-menu items in a third color; and wherein two of the first, second, or third colors are identical (col 7, lines 34-38).

Regarding claim 10, Lokuge teaches displaying the screen in a first luminance, displaying the main menu items in a second luminance, and displaying the sub-menu in a third luminance; and wherein two of the first, second, or third luminances are identical or all three of the first, second and third luminances are different (col 7, lines 39-41)

Regarding claim 11, Lokuge teaches a method for displaying a menu in an OSD device comprising displaying a plurality of main menu items (Fig. 4) and an item



indicator on a screen (cursor, col 7, line 5); opening a first space between a first main menu item and a second main menu item adjacent to the first main menu item when the first main menu item is selected using the item indicator such that the first main menu item is not displayed in said open space and displaying, in the first space, at least one sub-menu item corresponding to the first main menu item (Fig. 5); erasing the displayed at least one sub-menu item and closing the first space when a new main menu item is selected using the item indicator (col 7, lines 8-11); opening a second space between the new main menu item and a main menu item adjacent to the new first main menu item and displaying, in the second space, at least one sub-menu item corresponding to the new main menu item (col 3, lines 60-62). Lokuge differs from the claim in that Lokuge does not teach that if the selected main menu item is video, then the submenu item related to the video is displayed. However, such feature is known in the art as taught by Hendricks. Specifically, Hendricks teaches a television entertainment systems which comprises a main menu such that if the selected main menu item is video, then the submenu item related to the video is displayed (col 37, lines 10-15). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Hendricks before him at the time the invention was made, to modify the menu system taught by Lokuge to include the feature to display the submenu item related to the video when video item in the main menu is selected taught by Hendricks with the motivation being to enable the system to display information related to the selected item in the main menu.

Regarding claim 12, Lokuge teaches a main menu item is selected where a user positions the item indicator on a main menu item (col 7, lines 1-8).

Regarding claim 14, Lokuge teaches that item indicator is one of either a highlight or a cursor (col 7, lines 4-5).

Regarding claim 15, Lokuge teaches that main menu items are displayed simultaneously on the screen when a user request a display of the main menu items through a selecting device (Fig. 4).

Regarding claim 17, Lokuge teaches that sub-menu items corresponding to a main menu item are displayed simultaneously when a user selects a main menu item using the item indicator (col 3, lines 60-62).

Regarding claim 32, Lokuge teaches an OSD device (Fig. 1) comprising a storage which stores a plurality of OSD main menu items (Fig. 4), a data on at least one sub-menu item corresponding to each of the main menu items and a system program (Fig. 5-7); a screen 16 which displays the OSD menu; a selecting device 18 which allows a user to move an item indicator (pointer or cursor; col 7, lines 4-5) on the screen and to select a menu item using the item indicator (col 7, lines 13-14); and a controller which displays the main menu items from the storage on the screen device (Fig. 4), opens a space between a main menu item selected through the selecting device and a main menu item adjacent to the selected main menu item (54) such that the main menu items are not displayed in said open space, and displays at least one sub-menu item corresponding to the selected main menu item in the opened space using the data stored in the storage (Fig. 5). Lokuge differs from the claim in that Lokuge does not teach that if the selected main menu item is video, then the submenu item related to the video is displayed. However, such feature is known in the art as taught by Hendricks. Specifically, Hendricks teaches a television entertainment systems which comprises a

main menu such that if the selected main menu item is video, then the submenu item related to the video is displayed (col 37, lines 10-15). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Hendricks before him at the time the invention was made, to modify the menu system taught by Lokuge to include the feature to display the submenu item related to the video when video item in the main menu is selected taught by Hendricks with the motivation being to enable the system to display information related to the selected item in the main menu.

Regarding claim 34, Lokuge teaches that the selecting device is a mouse (col 7, line 3).

Regarding claim 35, Lokuge teaches the item indicator is a cursor (col 7, line 50).

Regarding claims 36-38 and 40, Lokuge teaches a function control window corresponding to sub-menu item selected from the displayed at least one sub-menu item, wherein the first and second regions of the screen are non-overlapping parallel regions (Fig. 9 and col 10, lines 16-32).

Regarding claims 41-42 and 44, it is inherent that the sub-menu items (sub-categories) are preset and not modifiable by a user (col 6, lines 17-19; col 7, lines 20-22).

7. Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokuge and Kim ("Kim", USP 6133911).

Regarding claim 23 and 25, Lokuge does not teach the sequentially displayed the menu items. However, such feature is known in the art as taught by Kim. Kim teaches a method for selecting menu displayed via television receiver which comprises the display menu sequentially (col 1, lines 13-14). It would have been obvious to one of

Art Unit: 2173

ordinary skill in the art, having the teaching of Lokuge and Kim before him at the time the invention was made, to modify the interface method taught by Lokuge to include the sequentially displayed menu taught by Kim with the motivation being to enable the system to display menu in portions.

8. Claims 5, 8, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokuge, Hendricks, and Kim ("Kim", USP 6133911).

Regarding claims 5, 8, 16, and 18, Lokuge does not teach the sequentially displayed the menu items. However, such feature is known in the art as taught by Kim. Kim teaches a method for selecting menu displayed via television receiver which comprises the display menu sequentially (col 1, lines 13-14). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Kim before him at the time the invention was made, to modify the interface method taught by Lokuge to include the sequentially displayed menu taught by Kim with the motivation being to enable the system to display menu in portions.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lokuge and Torres ("Torres", USP 4821211).

Regarding claim 21, Lokuge does not teach the selecting a menu item by entering a selection key. However, such feature is known in the art as taught by Torres. Torres teaches a method of navigating among program menus which comprises the pressing Enter Key on the keyboard to select a menu corresponding to the current cursor location (col 5, lines 66-68). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Torres before him at the time the invention was

made, to modify the interface system taught by Lokuge to include the selection key taught by Torres with the motivation being to give the user different methods in entering his/her selection in a menu.

10. Claims 13 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokuge, Hendricks, and Torres.

Regarding claims 13 and 33, Lokuge does not teach the selecting a menu item by entering a selection key. However, such feature is known in the art as taught by Torres. Torres teaches a method of navigating among program menus which comprises the pressing Enter Key on the keyboard to select a menu corresponding to the current cursor location (col 5, lines 66-68). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Torres before him at the time the invention was made, to modify the interface system taught by Lokuge to include the selection key taught by Torres with the motivation being to give the user different methods in entering his/her selection in a menu.

11. Applicant's arguments filed 03/24/04 have been considered but are not persuasive.

In response to Applicant's argument "a space is not opened between bookmarks and email", it is noted that in Fig. 4, "bookmarks" and "email" are displayed adjacent to each other. In Fig. 5, after "bookmarks" is selected, "bookmarks" and "email" are not displayed adjacent to each other. As seen in Fig. 5, submenu items are displayed in the space between "bookmarks" and "email". This space is opened after "bookmarks" is selected.

In response to Applicant's argument "Lokuge does not teach the first main menu item is not displayed in said open space", it is noted that in Fig. 5, after being selected, "bookmarks" (the first main menu item) is still displayed in the same position as it was displayed before being selected. In the newly opened space, all of the displayed items are submenu items, not "bookmarks" or any main menu items.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

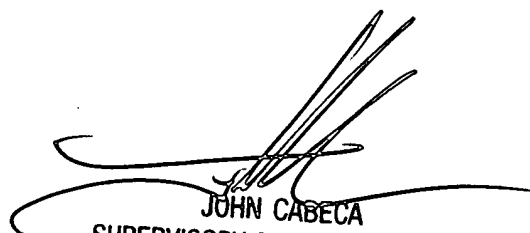
and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

05/11/04

  
JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100